

COMPLIANCE REPORT

IKWEKWEZI FM

Licence Period : 18 December 2008 - 17 December 2018

1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution¹, the ICASA Act² and the Electronic Communications Act³ (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their license, the Electronic Communications Act (“EC Act”), the ICASA Act and any relevant legislation.

The following report is intended to give account of Ikwewezi FM’s performance for the period 2009/2010 financial year. Aspects of compliance that are measured comprise of geographic coverage, languages, format, local content obligations, general programming obligations, training and skills development obligations, finances, South African music content regulations and regulations regarding standard terms and conditions.

2. BACKGROUND

Ikwewezi FM forms part of the public service division of the South African Broadcasting Corporation (“SABC”). The radio station’s mandate is to provide a full radio spectrum service to Davel, Dullstroom, Johannesburg Kwaggafontein, Kwamhlanga Middelburg, Nylstroom Potgietersrus and Pretoria. The radio station’s

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

principal language is IsiNdebele (see *broadcasting service licence and spectrum licence attached as Appendix A*).

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage Area

Clause 2 of the schedule to the licence stipulates that:

“The coverage area is as defined in the map attached to the radio frequency spectrum licence”.

According to the frequency spectrum licence, the radio station’s coverage area is Davel, Dullstroom, Johannesburg Kwaggafontein, Kwamhlanga Middelburg, Nylstroom Potgietersrus and Pretoria.

The radio station complies with clause 2 above.

3.2 Language(s)

Clause 3 of the schedule to the licence stipulates that:

“Principal Language: isiNdebele”.

The radio stations principal language is isiNdebele.

The radio station complies with clause 3 above.

3.3 Format

Clause 4.1 of the schedule to the licence stipulates that:

“The service authorised by this licence forms part of the public service division of the Licensee”.

Clause 4.2 stipulates that:

“The licensed service shall be a full-spectrum service”.

Ikwewezi FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in the licence.

The radio station complies with clauses 4.1 and 4.2 above.

3.4 Local Content Obligations

Clause 5 of the schedule to the licence stipulates that:

“In each licence year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:

5.1 different genres; and

5.2 South African Music Content, in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 5h00 and 23h00 daily (“the South African broadcast period”), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material”.

Although the SABC submitted its quarterly reports for the period under review, the reports are reflective of a week’s sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below show a breakdown of Ikwewezi FM’s compliance with the quotas set out by the Authority. These figures were verified during the Authority’s monitoring exercise, as detailed under paragraph 3.5 of the report.

First Quarter April – June 2009

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Ikwewezi FM's Provision <i>(Minutes Daily/Weekly)</i>	Ikwewezi FM's Compliance (%)
News	60 min (Daily)	133min (Weekdays) 80min (Saturday) 65min (Sundays)	222% 133% 108%
Current Affairs	60min (Daily)	140min (Weekdays) 60min (Saturday) 60min (Sundays)	233% 100% 100%
Informal Knowledge Building	180 min (Weekly)	1820min (Weekly)	1011%
Educational	300min (Weekly)	355min (Weekly)	118%
Children's	60min (Weekly)	475min (Weekly)	791%
Drama	150min (Weekly)	320min (Weekly)	213%

Second Quarter July – September 2009

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Ikwekwezi FM's Provision <i>(Minutes Daily/Weekly)</i>	Ikwekwezi FM's Compliance (%)
News	60min (Daily)	135min (Weekdays) 80min (Saturday) 70min (Sunday)	225% 133% 117%
Current Affairs	60min (Daily)	140min (Weekdays) 60min (Saturday) 60min (Sunday)	233% 100% 100%
Informal Knowledge Building	180min (Weekly)	1715min (Weekly)	953%
Educational	300min (Weekly)	505min (Weekly)	168%
Children's	60min (Weekly)	475min (Weekly)	791%
Drama	150min (Weekly)	265min (Weekly)	177%

Third Quarter October – December 2009

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Ikwekwezi FM's Provision <i>(Minutes Daily/Weekly)</i>	Ikwekwezi FM's Compliance (%)
News	60min (Daily)	123min (Weekdays) 80min (Saturday) 70min (Sunday)	205% 133% 117%
Current Affairs	60min (Daily)	123min (Weekdays) 60min (Saturdays) 60min (Sundays)	205% 100% 100%
Informal Knowledge Building	180min (Weekly)	1750min (Weekly)	972%
Educational	300min (Weekdays)	485min (Weekdays)	162%
Children's	60min (Weekly)	450min (Weekly)	750%
Drama	150min (Weekly)	360min (Weekly)	240%

Fourth Quarter January 2010 – March 2010

Content/ Genre	ICASA Quota (Minutes Daily/ Weekly)	FM's Provision (Minutes Daily/ Weekly)	Ikwewezi FM's Compliance (%)
News	60min (Daily)	132min (Weekdays) 70min (Saturdays) 65min (Sundays)	220 % 117 % 108 %
Current Affairs	60min (Daily)	135min (Weekdays) 60min (Saturdays) 60min (Sundays)	225 % 100% 100%
Informal Knowledge Building	180min (Weekly)	1940min (Weekly)	1078 %
Educational	300min (Weekly)	345min (Weekly)	115 %
Children's	60min (Weekly)	475min (Weekly)	791 %
Drama	150min (Weekly)	280min (Weekly)	186 %

The above information indicates compliance by Ikwewezi FM in the 2009/10 financial year.

3.5 General programming obligations

These obligations are found in clause 6 of the schedule attached to the licence and stipulate as follows:

3.5.1 General

Clause 6.1.1 stipulates that:

“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s religions”.

The SABC’s editorial policy stipulates that:

*“Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups”.
(see an extract on SABC’s editorial policy attached as Appendix B).*

During the Authority’s monitoring exercise, religious programmes broadcast in isiNdebele and scriptural reading in isiNdebele language interspersed with English was monitored. The programmes lasted for approximately thirty (30) minutes. On Sundays the radio station also has a religious programme. A significant number of diverse religious songs were detected during monitoring.

The radio station complies with the clause 6.1.1 above.

Clause 6.1.2 stipulates that:

“The Licensee shall take reasonable steps to provide programming that reflects the cultural and tradition needs of the audience”.

Clause 6.1.3 stipulates that:

“The Licensee shall, during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health related issues, gender issues relevant to all age groups”.

A programme called 'Asiqongelane' is a traditional/old school 'women's programme formulae' that is interspersed with the modern gender perspective tackling issues of women's emancipation and men's-health and modern day challenges are discussed. Topics tackled range from 'polygamy in modern times, successful women and the challenges they need to overcome' and so forth. These discussions are in line with clause 6.2.2 of the licence as discussed under current affairs below.

The radio station complies with the provisions of clause 6.1 of the schedule attached to its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The quarterly reports submitted by the SABC indicate that the radio station broadcasts sixty (60) minutes of news programming each day during performance period.

The monitoring conducted revealed that at least sixty-four (64) minutes of news is broadcast each day during the performance period. News bulletins include international, national, regional and in certain instances local news. On week days the radio station broadcasts news from 06h00 to 21h00. News is broadcast every hour on the hour and headlines at the bottom of the hour. Further, news is broadcast in isiNdebele language. The duration of news is approximately 4 minutes. The following are examples of news broadcast by Ikwewezi during the period monitored:

- "The notorious Moloto Road has again claimed 12 lives and left nine people with injuries when the minibus taxi they were travelling in overturned."
- 'Housing issues will be addressed by the provincial legislature'.

The radio station complies with clause 6.2.1 of the schedule of its licence.

Clause 6.2.2 stipulates that:

“The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African performance period”.

The SABC’s quarterly reports indicate that the radio station broadcasts sixty (60) minutes of current affairs programming on weekdays and sixty (60) minutes Saturdays and Sundays respectively.

Monitoring conducted also indicated that there is an evening show called ‘Hlala Nami’ broadcast by the radio station. The programme is broadcast five days a week. The programme lasts for one hour. Topical issues such as Employment Equity Act, Labour, Legal and Human Rights, Financial Management and Health are discussed. Below is a list of other current affairs issues that were monitored:

- ‘The 2010 small to medium business opportunities for the community of Mpumalanga’
- ‘There is a programme called ‘Biziwe in Parliament’, dealing with Provincial Financial matters and the budget’.

In addition, a programme dealing with issues of culture and tradition was also identified in which listeners and guests in the studio exchanged information on cultural values and the importance of upholding Ndebele tradition. This overlaps with a women’s programme monitored, which also tackled cultural and traditional issues.

The radio station complies with clause 6.2.2 of its schedule to the licence.

Clause 6.2.3 of the schedule to the licence stipulates as follows:

“The Licensee shall in the production of its news and current affairs programming:

- (i) Exercise full editorial control in respect of the contents of such programming;*

- (ii) include matters of international, national, regional and where appropriate local significance;*
- (iii) meets the highest standards of journalistic professionalism;*
- (iv) provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*
- (v) provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern”.*

The SABC’s editorial policy provides that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicate that the licensee endeavours to meet the highest standards of journalistic professionalism. Further, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference. Furthermore, in its news and programming content it includes matters of international national, regional and local significance.

During monitoring, the radio station broadcast matters of international national, regional and local significance (*see 6.2.1 and 6.2.2 above*). In its current affairs broadcast, the radio station provides an opportunity for the public to receive a variety of points of view on matters of public concern.

The radio station complies with clause 6.2.3 of its schedule to the licence.

3.5.3 Programming targeted at Children

Clause 6.3.1 of the schedule attached to the licence stipulates that:

“The Licensee shall in the provision of the licensed service, broadcast at least one (1) hour of programming targeted at children (as contemplated in section 10 (1) (g) of the Broadcasting Act) per week during the South African performance period”.

Clause 6.3.2 stipulates that:

“In the production and presentation of its children’s programming, the Licensee shall ensure that such children’s programming is:

- (i) broadcast at times of the day when children are available to listen;*
- (ii) targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- (iii) educational and is made from children’s point of view”.*

The SABC’s quarterly reports indicate that on average the radio station broadcasts four hundred and seventy five (475) minutes of children’s programming on weekdays.

The recordings monitored indicate that the radio station broadcasts children’s programmes every weekday. ‘Fundani Nathi’ is a pre-school programme that is broadcast in isiNdebele. The programme is participatory in that children are encouraged to phone in and express their opinions on various topics. In addition, pre-recorded story dramatisations with educational themes were identified. The programmes monitored cover the age groups between six and twelve years. An average of two (2) hours children’s programmes per week was monitored.

Ikwekwezi FM complies with clause 6.3.1 and 6.3.2, respectively.

3.5.4 Educational Programming

Clause 6.4 of the schedule attached to the licence stipulates as follows:

“The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10 (1) (e) of the Broadcasting Act) per week within the South African performance period”.

The SABC’s quarterly reports indicate that the radio station broadcasts three hundred and fifty five (355) minutes (6 hours) of news per week.

The Authority's monitoring exercise revealed that the radio station broadcasts educational programmes such as 'Iziko Lelwazi' which features book reviews and relevant educational and cultural issues. Educational programmes are broadcast every day of the week and amount to six (6) hours of educational programming

The radio station complies with clause 6.4 above.

3.5.5 Drama

Clause 6.5 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African Performance period".

According to the SABC's quarterly reports, the radio station broadcasts five (5) hours and thirty (30) minutes of drama programming per week.

The monitoring exercise revealed that the radio station broadcasts three hours thirty minutes (3 hours 30 minutes) of drama programming per week. An example of a drama programme identified 'Umdlalo Womoya', is broadcast on week days in the morning and in the evenings.

Even though there is a difference between the Authority's findings and the SABC's submission, the radio station complies with clause 6.5 above.

3.5.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least three hours of informal knowledge building programming per week within the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts thirty (30) hours thirty (30) minutes.

A variety of informal knowledge building programmes was monitored. The programmes dealt with topical issues such as health and environmental affairs. At least three (3) hours of informal knowledge building programming was monitored during the South African performance period. The following programmes were identified:

- ‘Science and Technology, Women in the ICT sector, the impact and role of agriculture in Mpumalanga’.
- Another programme on Women’s emancipation and men’s-health and modern day challenges were discussed extensively.

The radio station complies with clause 6.6 of its licence.

3.6 Training and Skills development Obligations

Clause 7 of schedule attached to the licence stipulates as follows:

“7.1 The Licensee must adopt and implement equal opportunity employment practices;

7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;

7.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:

- (a) its management and control structures;*
- (b) skills development;*
- (c) enterprise development; and*
- (d) procurement*

7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements”.

The SABC submitted a training and skills development report indicating that its management and staff are representative of South African society. The report further indicated that for the period under review there was reasonable participation by historically disadvantaged people in management and skills development.

The Authority confirms that the Licensee has complied with the provisions of this clause *(see skills development report attached as Appendix C)*.

3.7. Provision of Audited financial statements to the Authority

Clause 8 of the licence stipulates that:

“The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee’s financial year, provided that the licensee may on good cause apply to the Authority for extension”.

The SABC submitted their Audited statements for the 2009/10 financial year.

The Licensee has complied with clause 8 of its licence.

4. REGULATIONS

4.1. South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 stipulate that:

“All public sound licensees must play a minimum 40% South African music”.

The monitoring conducted indicated that the radio station plays approximately 60% South African music.

The radio station complies with the regulation on South African Music Content (*See Regulations on South African Music Content attached as Appendix D*).

4.2. Regulations regarding Standard Terms and Conditions for individual broadcasting licences

During the year under review, the Authority did not identify any non compliance by the Licensee with the standard terms and conditions for individual licensees (*See Regulations Regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

5. CONCLUSION

During the period under review, Ikwekwezi FM has complied with its licence terms and conditions.

6. APPENDICES

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC's Editorial Policy

Appendix C: Skills Development Report

Appendix D: Regulations on South African Music Content

Appendix E: Regulations Regarding Standard Terms and Conditions for Individual Licences